

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	Confirmation No.: 1651
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Applicant: HETTISH)	Group Art Unit: 2161
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Application No.: 10/673,522)	Examiner: Kavita Padmanabhan
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Filing Date: 9/29/2003)	REASONS IN SUPPORT OF PRE-
)	APPEAL BRIEF REQUEST FOR
For: METHOD AND SYSTEM FOR)	REVIEW
MAPPING DEVICE CONTEXT TO)	
IDENTITY CONTEXT)	Docket No.: 2003P08061US
)	
)	
)	
)	

Mail Stop AF (via EFS)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits the following reasons in support of the Pre-Appeal Brief Request for Review filed herewith:

Reasons begin on the following page of this paper.

REASONS

Applicant submits the following reasons as evidence of clear error in the outstanding final rejection of claims 1 – 7 and 10 – 20. Reconsideration is respectfully requested.

Claims 1 – 7 and 10 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter “Diacakis”. This rejection is traversed.

Applicant notes that claim 1 relates to a method including interfacing an *identity oriented context application that represents a context of an identity based on an availability of the identity* with a *device oriented context application that provides an availability of a device associated with the identity*, where the identity is a person or a group of persons; detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity, *wherein* said new device oriented context provides an availability status of the specific device and *the identity oriented context application and the device oriented context application are separate and distinct from each other*; mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity; and providing data indicative of said mapped identity oriented context to said identity context oriented application.

Clearly, Applicant claims interfacing (a) an identity oriented context application with (b) a device oriented context application, wherein the two applications (a) and (b) are separate and distinct from each other. The claimed identity oriented context application specifically represents a context of an identity based on an availability of the

identity, whereas the claimed device oriented context application specifically provides an availability of a device associated with the identity.

Applicant notes that the availability of a device associated with the identity is provided by the device oriented context application, as stated in the Specification at paragraph [0028] where Applicant discloses, “[A]n identity may have one or more associated devices. ...Each device may have an associated device context. ... Context for a device may describe the work or non-work stat, and/or the availability or non-availability state, that the device is in.”

Thus, it is clear that the claimed “device oriented context application” provides an availability of a device associated with the identity. The claimed “device oriented context application” does not recite providing an availability or presence of an individual.

Applicant respectfully notes claims 18 (also directed to a method), 19 (directed to an article of manufacture), and claim 20 (directed to an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed device oriented context application that is separate and distinct from an identity oriented context application, and mapping a new device oriented context to the identity oriented context.

Applicant notes the Final Office Action dated July 22, 2009 (hereinafter, FOA) maintains the rejection of the claims on the basis that Diacakis’ disclosed presence and availability (P&A) management server 12 related explicitly to determining the presence and availability of an individual is equivalent to the claimed “device oriented context application” at pages 2 – 3 of the FOA. However, the Office’s characterization of Diacakis is clearly made in error and factually unsupported by the Diacakis disclosure.

Applicant submits that Diacakis factually discloses a P&A management server 12 that includes “a presence detection engine 18 and an availability management engine

20". (Diacakis, para. [0024], ln. 7 – 10) The presence detection engine 18 and the availability management engine 20 together form the P&A management server 12 and cooperate to provide the functionality of determining the presence and availability of an individual to the P&A management server 12. Applicant notes that Diacakis states throughout the entirety of its disclosure that the purpose and function of the disclosed methods and systems therein is to determine the presence and availability of an individual (i.e., identity or person).

Applicant reiterates Diacakis is explicitly related to an *individual's* presence and availability. In particular, Applicant directs the Office to refer to page 10 of the Response and Amendment filed with the Office on September 22, 2009 (via EFS), page 10, paragraph 2 that cites and repeats portions of Diacakis. Applicant submits Diacakis itself explicitly and exclusively defines the terms "presence" and "availability" in the context of "the ability of an individual to access a particular communications network" and "the willingness of an individual who is present on one or more communications networks to be reached by one or more persons", respectively. Furthermore, any attempt to expand the meaning of the terms "presence" and "availability" beyond the specific definitions provided by Diacakis would be impermissible and counter to the plain meaning and scope of the Diacakis reference.

It is also submitted that Diacakis' presence detection engine 18, as explicitly disclosed and defined by Diacakis, provides a presence of an individual. The fact that the individual may be present on a network or a device does not alter the fact that Diacakis provides a presence of the individual. It is the presence of the individual that is determined by Diacakis, not the presence or availability of the network or device. The Office is directed to refer to Diacakis, paragraphs [0038] and [0040], wherein the presence engine 18 is disclosed and discussed.

Based on the *explicit* defining disclosure of Diacakis, it is clear that the P&A server 12 determines the presence of an individual based on the presence detection engine's determination of the individual's presence on a network and the availability

management engine's determination of the individual's availability based on the individual's presence information from presence engine 18 and additional information about the individual. Unquestionably, Diacakis' presence detection engine 18 provides presence information about the individual. The presence information about the individual from the presence detection engine 18 is used by the availability management engine 20, in combination with the individual's rules and preferences, to determine the individual's availability. The individual's rules and preferences may determine or control how the individual's presence information from the presence detection engine is classified or characterized.

Therefore, it is seen that both the presence detection engine 18 and the availability management engine 20 using individual presence information from the presence engine 18 relate to a presence (i.e., the ability of an individual to access a particular communications network) and availability of an individual. Contrary to the assertions in the FOA, there is no disclosure or suggestion that the asserted Diacakis presence detection engine 18 is the same as, analogous to, or equivalent to the claimed "device oriented context application that provides an availability of a device".

Applicant also notes that the FOA appears to admit that the Diacakis presence detection engine 18 is directed to the availability of an individual (and not the availability of a device) since the FOA states, "presence detection engine interpreted as a device oriented context application *since it determines user's presence* on particular devices" at page 2, paragraph 6. While Applicant disagrees with the conclusion that the presence detection engine is or should be interpreted as a device oriented context application, Applicant agrees with the statement that "it determines user's presence on particular devices" (where "it" refers to the presence detection engine) is accurate based on the explicit disclosure of Diacakis. That is, Applicant agrees with the factual statements by the Examiner (i.e., "the presence detection engine determines user's presence") but disagrees with the Examiner's conclusion based on those factual underlying statements.

Applicant reiterates Diacakis provides numerous examples of the presence

detection engine 18 providing the individual's presence on different networks. Applicant incorporates the arguments of record related to Diacakis' extensive disclosed examples of the identity (i.e., individual) oriented application therein – the presence detection engine 18. Accordingly, Applicant will not repeat the citations to Diacakis at paragraphs, [0034], [0038], and [0040] – [0044].

Applicant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the presence and availability of an individual. As such, no availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application.

Applicant respectfully submits claims 1, 18, 19, and 20 are not anticipated by Diacakis and Applicant further submits claims 2 – 7 and 10 – 17 are also patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 10 – 20 under 35 USC 102.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

October 22, 2009
Date

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